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Counterterrorism: U.S. Policy and Proposed Legislation



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Following is a statement by L. Paul Bremer, III, Ambassador at Large for Counterterrorism, before the Subcommittee on Terrorism, Narcotics, and International Operations of the Senate Foreign Relations Committee, Washington, D.C., October 15, 1987.

It is a pleasure to discuss with this committee a topic which a recent Roper poll showed more American citizens—some 69%—desired government action on than any other foreign policy issue.

I am happy to report to you that the Administration's counterterrorism policy is showing results. The fact is that, although terrorism continues around the world, one is much more likely these days to read news stories about terrorist arrests than about sensational hijackings. And gripping news accounts of terrorist atrocities have quietly given way to brief reports from Western capitals on the successful apprehension, prosecution, and punishment of terrorists.

Progress Against Terrorism

Over the last 18 months, there has been a measurable drop in international terrorism.

- From 1981 through 1985, international terrorism grew from some 500 incidents per year to about 800 incidents.

- But in 1986, terrorism dropped 6%. So far in 1987, it is down another 10%. The decline would be greater but for Afghan-sponsored terrorism in Pakistan.

- Contrary to the impression many Americans have, terrorism in Europe dropped dramatically last year—over 33%.

- And in 1986, there were only two airline hijackings, the lowest number since we began keeping track over 20 years ago.

While these numbers are encouraging, they do not convey the full sense of what is happening. Terrorism can strain and has strained relations among even the friendliest states, but there is, I believe, a growing consensus about the response to terrorism. This is the key change in our counterterrorism fight.

Ten years ago, the terrorists seemed to have the initiative. They attacked or hijacked seemingly at will. Their grievances were, if not respected, often heard sympathetically. The West was on the defensive. A number of countries reached de facto agreements with foreign terrorists, saying, in effect: "Do not attack our interests, do not conduct operations on our soil, and in return, we will grant you free transit and domicile within our borders."

In the mid-1980s, there has been an important shift in emphasis in the West's fight against terrorism. Now our fellow democracies are banding together and cooperating. The dynamics of the situation have shifted, with much of the initiative now on our side. And, over time, it has become clear that the terrorists never keep their end of the bargain. Sooner or later, accommodation leads to blood on your own doorstep.

The United States has worked with like-minded nations to develop multi-lateral agreements and declarations about terrorist attacks on civil aviation, internationally protected persons, passenger liners, and hostage-taking. These documents reflect an important degree of agreement in principle where there was none a decade ago. In my many contacts at the policy and working levels around the world, I find a new sense of resolve about terrorism, a sense of resolve which is saying: "Let's let the professionals—the police, immigration and customs and intelligence services—do their jobs."

Networking is a popular word these days. But networking is not just something for yuppie stockbrokers. Among the interior ministers in Europe, within Interpol, within military organizations and intelligence agencies, the professionals are meeting each other and sharing tactics, intelligence,

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and ideas. There is, today, a counter-terrorism network, and we are all benefiting from it.

The United States has been in the forefront of the counterterrorism battle.

- On the eve of the Venice summit, Attorney General Meese traveled to Paris for an unprecedented ministerial-level meeting on terrorism with representatives of the European Community and the summit seven.

- Bilaterally, we are working to tighten extradition treaties. We provide antiterrorism assistance to some 40 nations which have the will but not the means to resist terrorism. Our government has made firm diplomatic representations to a number of countries about their relations with terrorist organizations, and we have seen results.

- We also act unilaterally when we cannot secure cooperation or when circumstances make it infeasible to coordinate our actions. A Lebanese terrorist named Fawaz Younis, accused of directing the hijacking of a Jordanian airliner with U.S. nationals aboard, was recently arrested in international waters by the FBI [Federal Bureau of Investigation]. He is jailed near here, awaiting trial. This is a direct result of a vigorous, imaginative, unilateral U.S. action.

U.S. Counterterrorism Policy

The United States follows a three-part strategy for dealing with terrorism.

The first element is a policy of firmness toward terrorists. Giving in to terrorist demands will only breed future demands, demands which are likely to be greater than those of today. As a father, I learned long ago that behavior rewarded is behavior repeated.

While the Iran-*contra* affair may have caused some to doubt our steadfastness in resisting terrorist demands, I can assure you that there is no sense in the counterterrorism community that we should change our policy. No country, no terrorist should believe that there is anything to be gained by threatening the United States with terrorist action. We will not make concessions. We will not deal.

The second element of our strategy consists of practical measures to bring terrorists to justice. By practical measures, I mean the identification, tracking, apprehension, prosecution, and punishment of terrorists. In the past 18 months, more and more terrorists have been tried and jailed

around the world, usually after receiving the kind of stiff sentences which were unheard of only a few years ago.

The third element of our policy, pressure on terror-supporting states, relates directly to the committee's current interest, so I would like to address it in more detail.

State Support for Terrorism

In the Administration's view, state-supported terrorists are substantially more dangerous than those operating independently. State sponsorship gives clear advantages to the terrorist. For example:

- When a terrorist obtains legitimate travel and identification documents from a patron state, it becomes harder to identify and track him. When Nezar Hindawi went to London to blow up an El Al flight last year, he carried an authentic Syrian service passport.

- A state-supported terrorist has a ready source of weapons and a ready means to transport them. Embassies are exempt from search by international convention, and the baggage handlers at state-owned airlines don't interfere when directed not to examine a particular parcel. Once again, the Hindawi case is instructive. His bomb came into the United Kingdom on Syria's official airline.

- Countries like Libya, Syria, and Iran make a terrorist's work easier by providing a place to train. A terrorist operating alone, especially if a fugitive, has a hard time finding an isolated location to fire automatic weapons or assemble and detonate explosives.

- Similarly, simple refuge supplied by patron states constitutes important support. Being able to live without fear of immediate arrest and punishment is of enormous psychological value to a terrorist.

- Finally, financial support from state sponsors allows terrorists to spend more time on operations because they need not rob banks or traffic in drugs to raise money.

Benefits to the State Sponsor

The sponsoring state receives benefits as well.

- Terrorism can be an inexpensive form of warfare. A small group of terrorists costs less per year than a company of regular soldiers and can cause far more havoc in an enemy state than could that company of soldiers.

- Using terrorist surrogates makes it easier for the sponsoring state to deny responsibility for actions which, if taken overtly, could lead to war. Shortly after the Abu Nidal Organization (ANO) moved to Syria in 1983, it staged a series of attacks on Jordanian interests. I think it no coincidence that these attacks ceased following a Syrian-Jordanian rapprochement.

- A state can also use terrorists to murder dissidents abroad. Qadhafi, for example, has hired terrorists to kill Libyan opponents in many countries, including the United States. In May, two Libyans tried to kill the former Libyan ambassador in Vienna. After their attempt failed, they fled into the Libyan People's Bureau there. We believe this incident shows why European governments should take particular care to monitor the size and activities of Libyan embassies in their countries.

U.S. Responses to State-Supported Terrorism

So our policy recognizes the need to deal with state-supported terrorism. Our response should be carefully tailored to each individual case in order to use the leverage that works best with that particular country.

Libya. Libya was on the U.S. Government's list of terror-supporting states when it was first published in 1979 and remains on the list today. Over the years, the United States has responded to Libyan actions with a mixture of policy tools.

- We closed our embassy there and later ordered the Libyan Embassy here closed.

- We imposed economic sanctions and exhorted our friends to do the same.

- And, eventually, we used military force.

After that, the Europeans, too, imposed political, diplomatic, and economic measures on Libya.

This policy has worked. While other nations have been slower to respond, today Libya is politically isolated. During the past year, Libyan-supported terrorist operations have declined, although Qadhafi still appears ready to use terrorism as a policy tool.

Syria. Syria, too, is a "charter member" of the list of terror-supporting states and, in spite of some encouraging signs, remains on the list. While Syria has long been involved in terrorism, it was particularly active from 1983 to 1986. As I mentioned earlier, Syria began using the Abu Nidal Organization

as a surrogate in 1983 in a series of attacks on Jordan. These attacks stopped following a Syrian-Jordanian rapprochement.

While the Jordanian attacks ceased, other ANO attacks—generally planned and trained for in Syria or in Syrian-controlled areas of Lebanon—continued. While based in Syria, the ANO was responsible for many attacks, including the Rome and Vienna airport massacres of December 27, 1985, and the September 6, 1986, murder of 22 worshipers at a synagogue in Istanbul. And Syria continues to play host to a number of other terrorist groups.

Syrian officials have also been directly involved in terrorist activities. Sworn court testimony in London implicated a Deputy Chief of Syrian Air Force Intelligence, Lt. Col. Haithem Said, in the attempt to place a suitcase bomb aboard an El Al flight. Testimony in Berlin led a court there to issue an arrest warrant for Said because of his role in the bombing of the German-Arab Friendship Society on March 29, 1986.

Revelation of Syria's direct role in these terrorist activities led to a series of actions last November by the United Kingdom, the European Community, and the United States to distance themselves from Syria. The United Kingdom broke diplomatic relations. We withdrew our ambassador. Economic sanctions were also imposed, though U.S. bilateral trade with Syria is insignificant and its other trading partners have not imposed major economic sanctions.

However, Syria proved most sensitive to the political and diplomatic isolation. In June, Syria expelled most of the Abu Nidal Organization, and we have not seen evidence recently of Syrian involvement in terrorism. These are encouraging signs. Still, we intend to keep our remaining sanctions in place and to leave Syria on the list of terror-supporting states until we see evidence of a fundamental change in Syrian policy toward terrorism.

Iran. Virtually since it came to power, the current Iranian regime has used terrorism. Over the years, it has attacked U.S. targets, European interests, moderate Arabs, and its own dissidents.

The United States has taken an increasingly tough position toward Iran in response to its continuing support for terrorism and its refusal to cease hostilities in the Iran-Iraq war. Following the bombings of the U.S. Embassy

buildings and the Marine barracks in Lebanon, we placed Iran on the list of countries supporting international terrorism.

When a country is placed on that list, export controls are imposed on selected "dual use" items. We have specifically banned the export to Iran of a variety of items and equipment which could support terrorist and/or military operations, including helicopters, aircraft, outboard engines, chemical weapon precursors, and several other national-security-controlled items.

We currently are considering other measures which we can take against Iran, including cutting off the import of Iranian oil. This is an extremely complex issue, but let me emphasize here that the Administration is completely supportive of the objectives of the recently proposed legislation on the subject. We want to craft our policy so that these objectives are best met.

Iran has been under little concerted international pressure until recently but is now increasingly isolated. Other countries have been reluctant to sever profitable commercial dealings, particularly in the absence of international cooperation. However, Iran's continued outrageous behavior is beginning to exact a toll with other countries. For example, relations with France have chilled with the onset of the so-called embassies war, which began when a French magistrate demanded the right to question a nondiplomatic employee of the Iranian Embassy in Paris about terrorist activities in France.

The Lautenberg Bill

As you can see from the foregoing review, we agree with the underlying assumption of Senator Lautenberg's bill: economic pressures can be useful against countries supporting terrorism. However, we oppose the bill in its current form for four reasons.

It is seldom desirable to impose all possible economic sanctions at one time. Seldom is a state which sponsors terrorism solely, or even heavily, dependent on economic relations with the United States. That is why we need to consider most sanctions as having an impact which is as much or more psychological and political than economic. And we must keep in mind that the purpose of sanctions is to bring about a change in behavior on the part of the target state.

We believe it prudent to avoid the automatic linking of economic measures to a political determination. Remembering that it is political effect we seek, we

are more likely to succeed if we have available a range of sanctions which can be applied over time than if we are required to impose an entire package all at once.

For example, had we used all our economic sanctions against Syria when it was put on the terrorist list in 1979, we would have had nothing left to reinforce the political steps taken last November. Of course, there may also be times when we would want to impose all the available sanctions at once.

The bill could force the President to send a contrary signal. Senator Lautenberg's bill, it might be argued, gives the President needed flexibility by permitting him to waive the imposition of certain sanctions. However, this amendment would, in effect, force him to send a mixed signal by requiring public explanation of why he is not imposing certain sanctions.

By simultaneously declaring a state to be a supporter of terrorism and explaining publicly why he is not imposing certain sanctions, the President invites confusion in the target country. Since he must cite "national interests" to avoid imposing the sanction, he would weaken the deterrent effect of the unimposed sanction or sanctions. Beyond that, the target country is likely to take the President's refusal to impose a particular sanction as U.S. recognition of some "mitigating circumstance."

There are times when we cannot avoid sending mixed signals. But we should avoid requiring them in U.S. law.

The bill's provision for congressional override sets the stage for a potentially divisive debate at a time when we should show unity. Should Congress choose to exercise its option to attempt to override the President's decision to withhold a given sanction, the target state will enjoy the spectacle of watching the Administration and Congress debate just what we should do to it. Such a display would surely undermine the effects accomplished by placing the nation on the list in the first place. Sometimes the executive and legislative branches see things so differently that such a debate cannot be avoided. But again, we think it unwise to build the potential for such a conflict into our laws.

The bill can reduce our chances of operating in concert with other nations. By tilting the playing field toward early economic sanctions, our ability to act in concert with other na-

tions is diminished. If the President follows the path of least resistance and imposes all sanctions at once, we could reduce the chances of sanctions by other nations which might be reluctant to be seen as "bowing to U.S. pressure." Also, if we have already imposed our sanctions, we will have nothing left in reserve to use to complement the actions of other nations, as we did with Syria.

I do not want to suggest that the Administration is uninterested in economic sanctions or even in future legislation in support of sanctions. On the contrary, within the Administration, my office has been instrumental in leading a discussion about new measures which, after appropriate executive branch review, we may ask for legislation to support.

Conclusion

Much of the recent progress in counterterrorism has been made possible by congressional action. Our Anti-Terrorism Assistance Program depends on authorizations and funding from the Congress. Younis was arrested under statutes passed in 1984 by a Congress eager to assist the Administration in combating terrorism.

The funds and authorities we have received have been used to good effect. This will continue to be the case. Around the world, there is a cooperative spirit which we have not seen before. After nearly 20 years of disarray

in the face of terrorism, the West is beginning to unite to confront terrorists as criminals.

I do not want to leave the impression that our problems are solved, that there are not disagreements among friends, or that we will not suffer reverses in the months ahead. I do believe that the progress we are making is real, substantive, and permanent. We are not going to eliminate terrorism, but we are making the world a more dangerous place for terrorists and safer for the rest of us. ■

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